

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHANTEL EWING,)
)
Plaintiff,) Cause No.:
)
vs.)
) City of St. Louis Cause No. 1922-CC1211
BRIAN A. LILES and BILL & JOE'S)
TOWING, INC.,)
)
Defendants.) **DEFENDANT DEMANDS TRIAL BY JURY**

NOTICE OF REMOVAL

COMES NOW Defendant Bill & Joe's Towing, Inc., by and through the undersigned counsel, pursuant to 28 U.S.C. § 1446(b), and hereby files this Notice of Removal of the above-captioned case to the United States District Court for the Eastern District of Missouri, Eastern Division, and for grounds of this Notice of Removal, states:

1. The above-entitled action filed and now pending in the Circuit Court of the City of St. Louis, Missouri, involves Plaintiff, a citizen of the State of Missouri, and Defendants, who are citizens of the State of Illinois. (*See* Plaintiff's Complaint, attached hereto and incorporated as Exhibit 1, and Missouri Uniform Crash Report No. 19-023938, attached hereto and incorporated as Exhibit 2).
2. Defendant Bill & Joe's Towing, Inc., was served Plaintiff's Complaint on September 16, 2020.
3. As required by 28 U.S.C. § 1446(b), Defendant's Notice of Removal is filed in this Court within thirty (30) days after the receipt by Defendant of a copy of Plaintiff's Complaint in said action, setting forth a claim for relief upon which said action is based, which was served upon Defendant.

4. The United States District Court for the Eastern District of Missouri has diversity jurisdiction over this case because the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.
5. Therefore, pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over Plaintiff's cause of action as complete diversity exists, authorizing removal to this Court pursuant to 28 U.S.C. § 1446(b).
6. As Plaintiff's Complaint was originally filed in the Circuit Court of the City of St. Louis, Missouri, removal to this judicial district and division is appropriate pursuant to 28 U.S.C. § 1441(a).
7. This Court has supplemental jurisdiction over all claims contained within Plaintiff's Complaint, pursuant to 28 U.S.C. § 1337, because said claims arise between the same parties and out of the same controversy which serves as the basis of Plaintiff's claims.
8. Furthermore, as required by 28 U.S.C. § 1446(a), Defendant attaches a copy of all process, pleadings, and orders served upon Defendant in said action, attached hereto and incorporated as Exhibit 2.
9. Contemporaneously with the filing of this Notice of Removal, and pursuant to 28 U.S.C. § 1446(d), Defendant is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of the City of St. Louis, Missouri, and is serving a copy on Counsel for Plaintiff.
10. By virtue of this Notice of Removal, Defendant does specifically preserve its right to assert any claims, defenses or other motions, including, but not limited to, Rule 12 motions permitted by the Federal Rules of Civil Procedure.

11. Defendant Brian Liles has not been served with suit papers as of this date, so it is not necessary for him to join in this Notice of Removal. However, once served, he will be represented by the same counsel and will file his consent to this Removal.

WHEREFORE, Defendant Bill & Joe's Towing, Inc., prays this Honorable Court accept jurisdiction of said action.

DEFENDANT DEMANDS TRIAL BY JURY.

/s/ Steven J. Hughes

Steven J. Hughes #38968

Joseph M. Hoffman #67360

HUGHES LAWYERS, LLC

Attorney for Defendant Bill & Joe's Towing, Inc.

1314 So. 18th Street

St. Louis, Missouri 63104

(314) 328-5770

Email: steve@hugheslawyersllc.com

Email: joe@hugheslawyersllc.com

I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 14th day of October 2020 to be served by operation of the Court's electronic filing system upon the following or U.S. mail for parties not registered with CM/ECF, on this 14th day of October 2020: **Mr. Robert Schmittgens and Mr. Ely Hadowsky**, Attorneys for Plaintiff, One Memorial Drive, 11th Floor, St. Louis, Missouri 63102; Email: rschmittgens@brownlawoffice.com.

Under penalties of perjury as provided by law, I certify that the statements in this affidavit are true.

/s/ Steven J. Hughes

/

October 14, 2020